

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

Jeffrey G. Silva
Plaintiff

vs.

Mortgage Electronic Registration
Systems, Inc.; and Prospect
Mortgage, LLC
Defendants

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C.A. No.: 13-207-M

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT

NOW COME Defendants, Mortgage Electronic Registration Systems, Inc. and Prospect Mortgage, LLC ("Defendants") and, pursuant to Rule 12(b)(7) of the Federal Rules of Civil Procedure hereby move this Honorable Court to dismiss the Plaintiff's Complaint for Declaratory Judgment and Injunctive Relief (the "Complaint") for failure to join an indispensable party. In support of their motion, Defendants respectfully direct the Court to Defendants' Memorandum of Law in Support of Defendants' Motion to Dismiss, filed contemporaneously herewith.

Respectfully submitted,

Defendants

Mortgage Electronic Registration Systems,
Inc. and Prospect Mortgage, LLC

By their attorneys,

/s/ M'Liss K. Rinaldi

M'Liss K. Rinaldi (# 5228)

/s/ Dean J. Wagner

Dean J. Wagner (#5426)

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of July, 2013, that I have caused the within Assented To Emergency Motion to Extend Time to be filed with the Court via the ECF filing system. As such, this document will be electronically sent to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

/s/ M'Liss K. Rinaldi